IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

SECOND APPEAL NO. 952 OF 2007.

Sitabai Dagadu Mane. ... Appellant.

Versus.

Rambhau Dhondiba Bankhale & ors. ... Respondent.

Shri H.V.Kode i/by Shri S.A.Sawant for the Appellant

CORAM : ABHAY S.OKA, J.

DATED : 12th December, 2007.

P.C.:

1. The learned Advocate for the Appellant states that he has given telegraphic notice to the contesting Respondent.

2. On instructions of the Appellant, the learned Advocate for the Appellant states that the Appellant is not pressing the Appeal on merits. He, however, submits that considering the old age of the Appellant, time to vacate for two years be granted.

3. The Appellant is not pressing the Appeal on merits and therefore, decree for possession passed by the Courts below will attain finality. Considering the old age of the Appellant, prayer made by the Advocate for the Appellant deserves to be granted.

4. Hence the following order is passed:

i) The Appeal is dismissed as not pressed.

ii) Notwithstanding the dismissal of the Appeal, the decree for possession passed against the Appellant shall not be executed till 30th November 2009 subject to condition of the Appellant filing usual undertaking to vacate in this Court within a period of six weeks from today.

iii) If the undertaking is not filed within the stipulated time, the decree will become forthwith executable.

iv) The parties to act on an authenticated copy of this order.

Judge.